

USDC No. 4:20cv176-DMB-JMV

INN THE COUNTY COURT OF COAHOMA COUNTY, MISSISSIPPI

MYRON POLLARD

PLAINTIFF

VERSUS

CAUSE NO.: 14-CO-2020-0138

CHARLES JONES, SHERIFF OF COAHOMA COUNTY, STATE  
MISSISSIPPI IN HIS OFFICIAL CAPACITY, COAHOMA COUNTY,  
STATE OF MISSISSIPPI, AND DEPUTY EDDIE EARL, IN HIS OFFICIAL CAPACITY  
AS DEPUTY SHERIFF OF COAHOMA COUNTY, AND  
COAHOMA COUNTY SHERIFF'S DEPARTMENT

DEFENDANTS

**COMPLAINT FOR DAMAGES**

**COMES NOW, Myron Pollard, Plaintiff**, in the above styled and numbered cause, and files this his Complaint for Damages, and would respectfully show unto this Honorable Court the following, to-wit:

**I.**  
**PARTIES**

1. Plaintiff, **Myron Pollard**, is a non-resident of the State of Mississippi being a resident of the State of Arkansas, whose address is 1205 Hwy. 49, Apt. 14, Helena-West Helena, Arkansas 72390.

2. Defendant, **Charles Jones**, is the Sheriff of Coahoma County, State of Mississippi, who is named in his official capacity, has been at all timews relevant to the actions described in this Complaint for Damages, the Sheriff of Coahoma County, State of Mississippi, and was the presiding officer over Defendant, Deputy Eddie Earl. Sheriff Charles Jones was responsible for the hiring, screening, training supervision; and conduct of Deputy Eddie Earl. **Charles Jones, Sheriff Of Coahoma County State of Mississippi**, is being sued in his official capacity, and Coahoma County, State of Mississippi.

3. Defendant, **Deputy Eddie Earl** is a **resident** citizen of Coahoma County, State of Mississippi, and he has been a bona fide resident citizen of the State of Mississippi for more than six (6) months next preceding the filing of this cause. And upon information and belief, Defendant, **Deputy Eddie Earl**, is a sworn officer of the Coahoma County Sheriff's Department. **Deputy Eddie**

Earl is being sued in his official capacity.

4. During at all times herein mentioned, Defendants, Coahoma County Sheriff Department State of Mississippi, was and now are duly organized and existing under and by virtue of the laws of the State of Mississippi:

## II. STATEMENT OF FACTS

5. On or about September 24, 2019, Plaintiff, while visiting in Clarksdale, Mississippi, was stopped by Defendant, **Deputy Eddie Earl**, was pulled over in the City of Clarksdale, Mississippi.

6. Plaintiff, **Myron Pollard**, had not committed an arrestable offense either in **Deputy Eddie Earl's** presence, or that **Deputy Eddie Earl** had a warrant for **Plaintiff Myron Pollard's** arrest.

7. Prior to or at the time of Plaintiff's stop by **Deputy Eddie Earl**, Plaintiff had not committed any violation of the law:

8. **Deputy Eddie Earl** was traveling in an unmarked car at the time of the stop and shooting.

9. Without justification or cause, **Plaintiff, Myron Pollard**, was pulled over, and questioned.

10. And fearing for his safety; **Plaintiff, Myron Pollard**; attempted to leave the area; and while attempting to leave the area, and not knowing who or why he was being stopped, **Deputy Eddie Earl** shot **Plaintiff, Myron Pollard**, in the left arm with the bullet entering the left arm and traveling to his chest.

11. ~~Plaintiff, Myron Pollard was never charged with any violation of the law:~~

12. **Plaintiff, Myron Pollard**, has undergone several surgeries, and as a direct result of the the shooting, he, **Myron Pollard**, has lost the use of his left hand, wrist, and his left arm.

13. **Plaintiff, Myron Pollard**, can no longer work, and he needs assistance just to dress, and care for himself:

**II.**  
**NOTICE OF CLAIM**

14. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 13 as if incorporated and reiterated herein.

15. Prior to institution of the within action against Charles Jones, Sheriff of Coahoma County, State of Mississippi, and Deputy Eddie Earl, Plaintiff, Myron Pollard complied with Mississippi Code Ann., Section 11-46-11(2), and more than ninety (90) days have elapsed since Plaintiff made presentment of his claim to Morgan Wood, County Administrator, Sheriff Charles Jones, and Deputy Eddie Earl without receiving just and due compensation from said Defendants. See Exhibits "A" and Exhibit "B" which are attached and made a part of Plaintiff's Complaint for Damages as if recited in words and figures.

16. In response to Plaintiff's Notice of Claim, the Coahoma County Board of Supervisors voted on December 2, 2019 to deny Plaintiff's claim. See Exhibit "C" which is attached and made a part of Plaintiff's Complaint for Damages as if recited in words and figures.

**III.**  
**WRONGFULL AND EXCESSIVE FORCE USED**  
**BY DEFENDANT, DEPUTY EDDIE EARL**

17. Plaintiff repeats and realleges each and every allegation contained in Paragraph 14 through 16 as if incorporated and reiterated herein.

18. At all times relevant herein, Defendant, Deputy Eddie Earl, was acting under color of law by exercising power made possible because the Defendant was clothed with the authority of law.

19. Defendant, Deputy Eddie Earl's excessive force was neither necessary nor just, constituted unreasonable force in the unjustified stop, seizure, and shooting of Plaintiff, Myron Pollard.

20. As a direct and proximate result of the actions by Defendant, Deputy Eddie Earl, Myron Pollard has endured physical pain and suffering and emotion distress; moreover, Myron Pollard has

incurred medical bills, lost income, and will continue to incur future medical bills, pain and suffering, and lost income.

21. The Defendants' negligent, reckless, and egregious conduct indicates a flagrant disregard for Plaintiff, **Myron Pollard's** safety:

IV.  
**INTENTIONAL INFLICTION OF EMOTIONAL**  
**DISTRESS BY DEPUTY EDDIE EARL**

22. Plaintiff repeats and realleges each and every allegation contained in Paragraph 17 through 21 as if incorporated and reiterated herein:

23. Defendant **Deputy Eddie Earl's** conduct when he stopped, and shot Plaintiff, **Myron Pollard**, in the left arm with the bullet entering his left chest exposes an intentional and/or reckless disregard of **the probability of causing Plaintiff emotional distress.**

**24. Deputy Eddie Earl's conduct was extreme and outrageous:**

25. There is a causal connection between Defendant Deputy Eddie Earl's conduct and the emotional distress suffered by the Plaintiff.

26. As a direct result of the intentional infliction of emotional distress by the Defendants, Plaintiff has suffered serious mental anguish.

27. As a direct and proximate result of the shooting of Plaintiff by Defendant, **Deputy Eddie Earl, Plaintiff, Myron Pollard**, has endured physical injury and pain, and suffering and emotional distress.

28. Plaintiff has endured enormous mental pain and; great physical injury and pain; as a direct result of the intentional infliction of emotional distress by the Defendants.

IV.  
**BATTERY**

29. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 22 through

28 as if incorporated and reiterated herein.

30. Defendant stopped, attempted to seize Plaintiff, and shot Plaintiff in the left arm and chest without just cause, and without Plaintiff violating the law.

31. The acts of Defendant, **Deputy Eddie Earl**, were done without Plaintiff's consent.

32. As a direct and proximate result of the actions and/or omissions of Defendant, **Deputy Eddie Earl**, Plaintiff, **Myron Pollard**, has endured physical pain, and suffering and emotional distress; moreover, **Myron Pollard** has incurred medical bills, lost income, and will continue to incur future medical bills; pain and suffering and lost income:

**V.**  
**ASSAULT**

33. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 29 through 32 as if incorporated and reiterated herein.

34. Defendant **Deputy Eddie Earl**, without need or justification, shot and wounded Plaintiff in his left arm and chest. Plaintiff has lost the use of his left hand, wrist, and arm.

35. The Defendant's negligent, reckless, and egregious conduct indicates a flagrant disregard for Plaintiff **Myron Pollard's** safety.

**VI.**  
**DEMAND FOR JURY TRIAL**

Plaintiff, **Myron Pollard**, demands a jury trial and not a bench trial.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays for judgment against Defendants as follows:

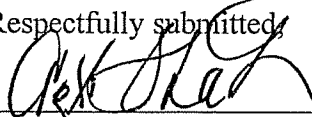
1. For general damages for severe physical and mental suffering in the sum of \$500,000.00 including for lost income, medical bills, mental anguish and emotional distress, and other compensatory damages for each count alleged in the Complaint for almost complete paralysis to

his left hand, wrist, and arm;

2. Award plaintiff legal interest and costs, plus prejudgment and post judgment;
3. For costs of suit herein incurred including court costs, sheriff's fees, and attorney's fees;
4. Award such other and further relief, as this Court may deem appropriate:

Respectfully submitted,

BY:

  
AZKI SHAH  
COUNSEL FOR PLAINTIFF

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